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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,014	10/28/2003	Steven E. Arthur	020375-044100US	7050
20350	7590	09/03/2008		
TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
TWO EMBARCADERO CENTER			DANNEMAN, PAUL	
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			3627	
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			09/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,014	Applicant(s) ARTHUR, STEVEN E.
	Examiner PAUL DANNEMAN	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 May 2008 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2 Jul 2008.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response, filed on 12 May 2008, to the first office action.
2. All pending claims 1-22 have been examined in this application.
3. Claims 1, 21, and 22 have been amended.
4. Examiner acknowledges and thanks the Applicant for providing new corrected drawings and removes the objection to the drawings.

Response to the Arguments

5. Applicant argues regarding Claims 1, 6, 11, and 16 that "*...the examiner has merely stated the heading: 'Activating a number of successively numbered cards' Then the examiner referred to Goldstein at column 1, lines 55-67 and column 2, lines 21-33 without any further delineation of a specific claim or a specific claim element. This is improper and makes it extremely difficult for Applicant to be able to formulate a response.*" The Examiner has carefully considered Applicant's argument and respectfully disagrees. The claims are broadly interpreted and the Examiner has cited a specific portion of the reference known as Goldstein.
6. Applicant argues "*The Office Action also makes a broad brush statement at the beginning of the Office Action to indicate that it is the Applicant's responsibility to review the remaining portion of the cited references for additional possible reasons of rejection.*" Applicant also cites a portion of In re Oetiker, 24 USPQ 2d 1443, 1447 (Fed. Cir. 1992), Plager,J., concurring. Examiner has carefully reviewed the cited case law and notes: "*But the ultimate decision that must be made by the PTO in the examination process, and by this court on appeal, is not whether a prima facie case for rejection was made; the only question is whether, on the whole record, the applicant has met the statutory requirements for obtaining a patent. When a final rejection is described in terms of whether a prima facie case was made, that intermediate issue diverts attention from what should*

be the question to be decided.” In re Oetiker, 24 USPQ 2d 1443, 1447 (Fed. Cir. 1992), Plager,J., concurring.

Claim Rejections - 35 USC § 103

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al., US 7,028,896 B2 hereafter known as Goldstein and further in view of Risafi et al. US 6,473,500 B1, hereafter known as Risafi. .

Claims 1, 6, 11 and 16:

With regard to the limitations:

- ***Activating a number of successively numbered cards at a POS device.***

Goldstein does not specifically disclose activating a number of successively numbered cards at a POS device; however Goldstein in at least Column 1, lines 55-67 discloses that a customer may purchase large groups of transaction cards from a card manufacturer so there are no unexpected, duplicate or missing cards. Goldstein in at least Column 2, lines 21-33 further discloses that the cards may be arranged and packaged in a specific sequence to allow for easier batch activation of cards. Risafi in at least Column 4, lines 61-67, Column 5, lines 1-10, Fig. 5b, Fig. 7b, Column 6, lines 37-46, Column 8, lines 53-54, Column 9, lines 9-19, lines 35-41 discloses the batch activation of a set of cards at a merchant terminal (POS, ATM, etc.). Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known features of Goldstein for producing and packing cards in bundles with the well known features of Risafi for batch activation of cards at a merchant terminal with the motivation to achieve the combined predictable results that each have individually.

Claims 2-5 and 7-10:

With regard to the limitations:

- *Cards are activated in a sequence.*
- *Cards are deactivated in a sequence.*
- *Request for activation is acknowledged.*

Goldstein does not specifically disclose the flow of the activation request from a POS terminal to the activation processor per se. However, Goldstein in at least Column 3, lines 16-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets and/or in a known sequence. Also disclosed is that the first and last cards in a series may be identified to the card tracking database and all cards located in the set between the first and last identified cards in the series may be activated. Goldstein in at least Column 9, lines 40-63 further discloses the use of an audit trail to deactivate a group of cards.

Risafi in at least Column 4, lines 61-67, Column 5, lines 1-10, Fig. 5b, Fig. 7b, Column 6, lines 37-46, Column 8, lines 53-54, Column 9, lines 9-19, lines 35-41 discloses the batch activation of a set of cards at a merchant terminal (POS, ATM, etc.). Risafi in at least Column 9, lines 9-18, Column 12, lines 32-35, card recipients being notified of the PIN associated with their card via email, electronic means or other means.

Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to further modify the Goldstein / Risafi combination with a process to deactivate (void) a sequence of cards by inputting the necessary data to determine the sequence of cards (start and ending number of a sequence, start number of a set of cards and the number of cards in the set, etc.) to be deactivated.

Claim 21-22:

With regard to the limitations:

- *Packaging and selling cards with an identifier.*
- *Identifier indicates number of cards.*

Goldstein in at least Column 9, lines 30-63 and Fig.2 discloses that the cards are arranged in a desired way and may be organized in a hierarchy for packaging, and the location of cards in the

hierarchy may be verified and controlled. Packaging of cards in sets or sleeves and each card being associated with a particular sleeve, box and pallet based on the card's identifier or other information. Goldstein in at least Column 9, lines 64-67 and Column 10, lines 1-67 further discloses additional packaging information regarding card identifiers and tracking of the identifier versus the packaging. Goldstein in at least Column 11, lines 21-55 still further discloses sleeves being labeled (tamper-evident seal) with a sleeve number, the range of cards included in the sleeve, the customer, a job description and any other suitable material.

Claims 12-15 and 17-20:

With regard to the limitations:

- *Batch activation of a card from first to last.*
- *Determining card is of same time and activation amount.*
- *Signaling that card type and activation amount match or do not match.*

Goldstein in at least Column 1, lines 19-52 discloses many types of transaction cards and how they each are given a unique identifier within a group of cards. Goldstein in at least Column 9, lines 4-29 discloses that cards processed by the manufacturing apparatus are verified (reading the identifier) to insure that no unexpected, duplicate or missing cards and/or are organized and packaged in a desired way. Risafi does not specifically disclose a process for checking if cards are of the same type, per se. However, Risafi in at least Column 4, lines 61-67 and Column 5, lines 1-10 discloses that cards may be activated as a batch, PIN numbers and an initial balance is assigned to each card number and the information is transmitted via a communications network to the card processing center. Risafi in at least Column 9, lines 9-18 and lines 34-50 further discloses a promoter batch activating a set of cards having a fixed cash value and distributing them by a variety of means to customers who purchase the promotional product. Goldstein teaches the manufacturing of cards in a predetermined sequence and packaging the cards per the customer's desired sequence. Risafi teaches the batch activation of cards and their use.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627 25 August 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627